

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Dorothy Mares, Individually and as
Parent and Next Friend of
Brianna Montero, a minor and Ceara Montero,

Plaintiffs,

v.

CV No. 11-754 JEC/LFG

Taune Shortt and American Automobile Association,

Defendants.

**STIPULATED ORDER DISMISSING AMERICAN AUTOMOBILE INSURANCE
WITHOUT PREJUDICE AND TOLLING THE STATUTE OF LIMITATIONS**

At the Rule 16 Scheduling Conference held October 6, 2011, before the Honorable Judge Lorenzo Garcia, with all counsel of record appearing, the parties have stipulated to the following order:

1. All parties agree that Plaintiffs' Complaint incorrectly identified American Automobile Association as a Defendant to this action. American Automobile Association is not a properly-named legal entity in this case. The correct legal entity name is "AAA Northern California, Nevada, and Utah Insurance Exchange." The parties therefore agree that AAA Northern California, Nevada, and Utah Insurance Exchange, a California corporation, is hereby substituted for Defendant American Automobile Association.


2. The parties further agree to a stipulated order dismissing Defendant AAA Northern California, Nevada, and Utah Insurance Exchange, formerly identified as Defendant American Automobile Association, without prejudice.

3. The statute of limitations as to Defendant AAA Northern California, Nevada, and Utah Insurance Exchange is tolled as of July 13, 2011, the date Plaintiffs filed their Complaint for Personal Injury, and shall remain so tolled until either a dismissal or final judgment is entered by the U.S. District Court in this matter, at which time tolling ends.

4. If the Court determines that a viable cause of action exists as to Defendant AAA Northern California, Nevada, and Utah Insurance Exchange warranting that it be made a party to this lawsuit, Defendant AAA Northern California, Nevada, and Utah Insurance Exchange shall not oppose Plaintiff's subsequent motion for leave to amend their Complaint for Personal Injury to add it as a defendant to this action.

5. In the event such an amended complaint is filed, Defendant AAA Northern California, Nevada, and Utah Insurance Exchange reserves all other defenses and objections to Plaintiff's subsequent amended complaint and reserves the right to assert any and all objections and defenses with the exception of statute of limitations, to Plaintiff's subsequent amended complaint, including but not limited to all defenses and objections under Rule 12 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.



JOHN EDWARDS CONWAY
SENIOR UNITED STATES DISTRICT JUDGE